UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25865
29 May 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 28 MAY 1993 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am pleased to transmit to you herewith the text of the statement that the delegation of my country had intended to deliver during the deliberations of the Security Council at its 3224th meeting on the situation between Iraq and Kuwait.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

Annex

Statement by Mr. Mohammad A. Abulhasan
Permanent Representative of Kuwait

By its adoption of resolution 833 (1993), the Security Council has completed a historic exercise in the creation and establishment of peace in the world and the defence of the principles of the Charter and international law, as well as the rights of both small and large States through the practical application of the concept of collective security.

It was the Security Council that initiated the rejection of the Iraqi aggression against and occupation of Kuwait through resolution 660 (1990), and it was the Security Council that subsequently launched the battle for the liberation of Kuwait through resolution 678 (1990). Thereafter, the foundations of the cease-fire following the liberation of Kuwait were laid by resolution 687 (1991). It is through the same Security Council that the boundary dispute between Iraq and Kuwait today comes to an end. Ever since it signed the Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters in October 1963, Kuwait has constantly striven to demarcate its boundary with Iraq. To that end, it held numerous meetings with the Iraqi side, and specialized technical and political delegations visited Baghdad, but without any results, since Iraq rejected any demarcation proposed under that binding agreement. The Iraqi aggression against and occupation of Kuwait on 2 August 1990 revealed the true nature of the Iraqi dispute with Kuwait; this dispute has never been due to a difference over the boundary, but rather to ambitions regarding the very existence of Kuwait.

Security Council resolution 687 (1991), in three of its operative paragraphs, laid the legal and political foundations and provided an international guarantee for the demarcation of the boundary in accordance with the Agreed Minutes between the two States of 1963. The Security Council thus felt that the completion of the demarcation would eliminate the likelihood of a renewal of armed conflict in the region.

As you know, the Secretary-General of the United Nations accordingly established the Iraq-Kuwait Boundary Demarcation Commission, which carried out a purely technical task using outstanding expertise and advanced technical means. The result of the work of this Commission has been to demarcate, for the first time, the precise coordinates of the boundary previously agreed on. The Commission has not in any way reallocated territory between the two countries, but has undertaken a task necessitated by the particular circumstances arising from the Iraqi aggression against Kuwait. The results of the demarcation constitute a unique international success, in which, in the words of the Secretary-General, the law, technology, diplomacy and security have been associated.

There is no doubt that the decisions of the Commission are final, as is the report of the Commission. The boundary demarcated by the Commission is binding and guaranteed by the Security Council, and both sides, Kuwait and Iraq, are

bound thereby. We should like to stress that Iraq is bound thereby, as demonstrated by:

1. Iraq's unrestricted and unconditional acceptance of resolution 687 (1991), the expression of which passed from the Iraqi executive authority to the legislative authority as represented by the Iraqi National Assembly;

2. Iraq's unrestricted and unconditional agreement to the report of the Secretary-General of 2 May 1991 on the establishment of the Iraq-Kuwait Boundary Demarcation Commission by its appointment of a representative on the Commission;

3. Iraq's full participation in the drafting of the Commission's rules of procedure regarding its proceedings, its methods of taking decisions and the issuance of its reports;

4. Iraq's participation in the voting on the decisions concerning the land boundary.

We are not surprised by Iraq's boycott of the other meetings of the Commission or by its attack on the results of the Commission's work because we know that, during the first five sessions which it attended over a period of a year and a half, Iraq did not respond to any request by members of the Commission and provided no materials, maps or documents expressing the Iraqi point of view of its boundary with Kuwait. That is not surprising, because Iraq does not want a demarcated boundary; it wants the whole of Kuwait.

From the beginning of the demarcation of the sea boundary, Iraq boycotted the meetings of the Commission. Rather than participating seriously and objectively in furthering the permanent interests of all the parties, the authorities of the Iraqi regime began to repeat claims that Iraq was being strangled and that it had been deprived of an outlet to the sea. The truth of the matter is quite otherwise. In addition to Iraq's 70-kilometre-long sea front, the boundary demarcation has guaranteed freedom of navigation to both States from Khawr al-Zubayr through Khawr Shityanah up to Khawr Abdullah to and from their territorial waters and territories along the length of the boundary, in accordance with the provisions of the United Nations Convention on the Law of the Sea of 1982. This freedom of navigation is a right which may not be violated by either of the States. We here openly declare that we shall abide fully by this decision and each of its paragraphs as an inseparable part of the decisions of the Commission as a whole.

The vote by the Security Council in favour of the draft resolution is a guarantee for security and stability in this region; it is being adopted under Chapter VII of the Charter. It endorses the decisions of the Boundary Demarcation Commission, reaffirms their final character and affirms that they should be guaranteed by the Security Council by all possible means, in accordance with the Charter.

The security, integrity and independence of the State of Kuwait are an inseparable part of international peace and security. What has been accomplished by the United Nations today is not only a victory for Kuwait; it is a victory for the United Nations, for international legality and for all that is right and just in our world.

By its adoption of this resolution, the Security Council has given its blessing to the closing of a file which has long been a cause of instability and aggression in our region. We therefore express our hope that the other files arising from the Iraqi aggression may be closed, and we give warning that delays by the regime in implementing all the other obligations contained in the Security Council resolutions are in themselves a time bomb which must be watched carefully and defused.

Kuwait expresses its appreciation to each member of the Security Council and to all its friends for their vote and their support for the foundations of peace. We also wish to place on record our appreciation for the intensive efforts exerted by the Boundary Demarcation Commission, which have resulted in this historic achievement. We should furthermore like to commend the efforts being made by the Secretary-General of the United Nations to make peace in our region and in the world, as well as his support for this Commission, whose example he has asked other United Nations Commissions to follow by completing their work speedily and successfully.